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THOMAS F. MCFARLAND

August 24, 2007



By UPS overnight mail
(Monday delivery)

Vernon A. Williams, Secretary
Surface Transportation Board
395 F Street, S.W., Suite 1149
Washington, DC 20024

Re Finance Docket No. 35076, *City of Boise Railroad -- Operation Exemption -- The Boise Cutoff Rail Line in Ada County, ID*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of a Verified Notice of Exemption Under 49 C.F.R. § 1150.31, for filing with the Board in the above referenced matter.

Also enclosed is a check for \$1,600 for the filing fee.

Very truly yours,

Thomas F. McFarland

Thomas F. McFarland
Attorney for City of Boise Railroad

(Att. Check w/ps 0112810561)

ENTERED
Office of Proceedings
AUG 27 2007
Part of
Public Record

FILED
AUG 27 2007
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

CITY OF BOISE RAILROAD --)
OPERATION EXEMPTION -- THE) FINANCE DOCKET
BOISE CUTOFF RAIL LINE IN ADA) NO 35076
COUNTY, ID)



VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31

FEE RECEIVED
AUG 27 2007
SURFACE
TRANSPORTATION BOARD

CITY OF BOISE RAILROAD
150 North Capitol Boulevard
Boise, ID 83702

Applicant

FILED

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TRANSPORTATION BOARD

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THOMAS F McFARLAND
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208 South LaSalle Street, Suite 1890
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mcfarland@aol.com

Attorney for Applicant

DATE FILED August 27, 2007

BEFORE THE
SURFACE TRANSPORTATION BOARD

CITY OF BOISE RAIL ROAD --)
OPERATION EXEMPTION -- THE) FINANCE DOCKET
BOISE CUTOFF RAIL LINE IN ADA) NO 35076
COUNTY, ID)



**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31**

Pursuant to 49 U.S.C. § 10502(a) and 49 C.F.R. § 1150.31, *et seq.*, CITY OF BOISE RAILROAD (the City), a noncarrier, hereby files this notice of exemption for its operation of a rail line commonly known as the "Boise Cutoff," described as follows between Milepost 424.80 near Orchard and Milepost 443.0 near Hillcrest, a distance of 18.2 miles in Ada County, Idaho.

The Boise Cutoff was formerly part of the Boise Subdivision of Union Pacific Railroad Company (UP). In Docket No. AB-33 (Sub-No. 137X), *Union Pacific Railroad Company -- Abandonment Exemption -- in Ada County, ID*, notice of exemption served July 8, 1999, UP filed a Notice of Exemption for abandonment of the Boise Cutoff.

UP conveyed the Boise Cutoff to the City in 2000. Inasmuch as the Boise Cutoff had been abandoned by U.P., Board authority was not required for its acquisition by the City. The City did not believe at that time that it required Board authority or an exemption for its operation of the Boise Cutoff. The City now proposes to actively operate the Boise Cutoff. That operation requires Board authority or an exemption. The City has elected to operate the Boise Cutoff itself as a common carrier by rail, rather than contract with a rail operator under a modified certificate

of public convenience and necessity. This filing is intended to obtain the required exemption for the City's operation of the Boise Cutoff.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.33

(a) The full name and address of the applicant.

Applicant is City of Boise Railroad.

(b) The name, address, and telephone number of the representative of the applicant who should receive correspondence.

Applicant's representative is Thomas F. McFarland, Thomas F. McFarland, P.C. 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204, (312) 201-9695 fax, mcfarland@aol.com.

(c) A statement that an agreement has been reached or details about when an agreement will be reached.

No agreement need to be reached inasmuch as the City is the owner of the Boise Cutoff and will also be its operator. The operation will be as a rail common carrier.

(d) The operator of the property.

The operator of the property will be City of Boise Railroad.

(e) A brief summary of the proposed transaction including

(1) The name and address of the railroad transferring the subject property.

There is no transferor inasmuch as the City owns the Boise Cutoff.

(2) The proposed time schedule for consummation of the transaction.

The transaction will be consummated not sooner than thirty days after filing of this notice with the Board.

(3) The mile-posts of the subject property including any branch lines and

The mileposts of the subject property are identified below

The Boise Cutoff between Milepost 424.80 near Orchard and Milepost 443.0 near Hillcrest in Ada County, ID

(4) The total route miles being acquired,

A total of approximately 18.2 route miles will be operated

(f) A map that clearly indicates the area to be served including origins, termini, stations, cities, counties and States, and

Attached to this notice as Appendix 1 is a map on which the Boise Cutoff is shaded in yellow

(g) A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier

Attached to this notice as Appendix 2 is a certificate that the City's projected revenues do not exceed those that would qualify it as a Class III rail carrier

VERIFICATION

Attached to this notice as Appendix 3 is a verification of the statements made in this Notice

ENVIRONMENTAL AND HISTORIC CONSIDERATIONS

Pursuant to 49 C.F.R. § 1105.6(c)(2), no environmental documentation or report is required for the proposed transactions. Pursuant to 49 C.F.R. § 1105.7(b)(1), no historic documentation or report is required for the proposed transactions.

LABOR PROTECTION

Pursuant to 49 U.S.C. § 10901(c), no labor protection is required for the proposed transactions

CAPTION SUMMARY

Attached to this notice as Appendix 4 is a caption summary of the proposed transaction required by 49 C.F.R. § 1150.34

LAND GRANT RIGHT-OF-WAY

Applicant is not aware of any land grant right-of-way in the rail line

ANNUAL REVENUES LESS THAN \$5 MILLION

Attached as Appendix 5 is a certificate that the City's projected annual revenues to be created by this exemption will not exceed \$5 million

CONCLUSION

WHEREFORE, the Board should publish notice of the exemption in the *Federal Register* within 30 days of its filing

Respectfully submitted,

CITY OF BOISE RAILROAD
150 North Capitol Boulevard
Boise, ID 83702

Applicant

Thomas F McFarland

THOMAS F McFARLAND
THOMAS F McFARLAND, P C
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204
(312) 201-9695 fax
mcfarland@aol.com

Attorney for Applicant

DATE FILED August 27, 2007

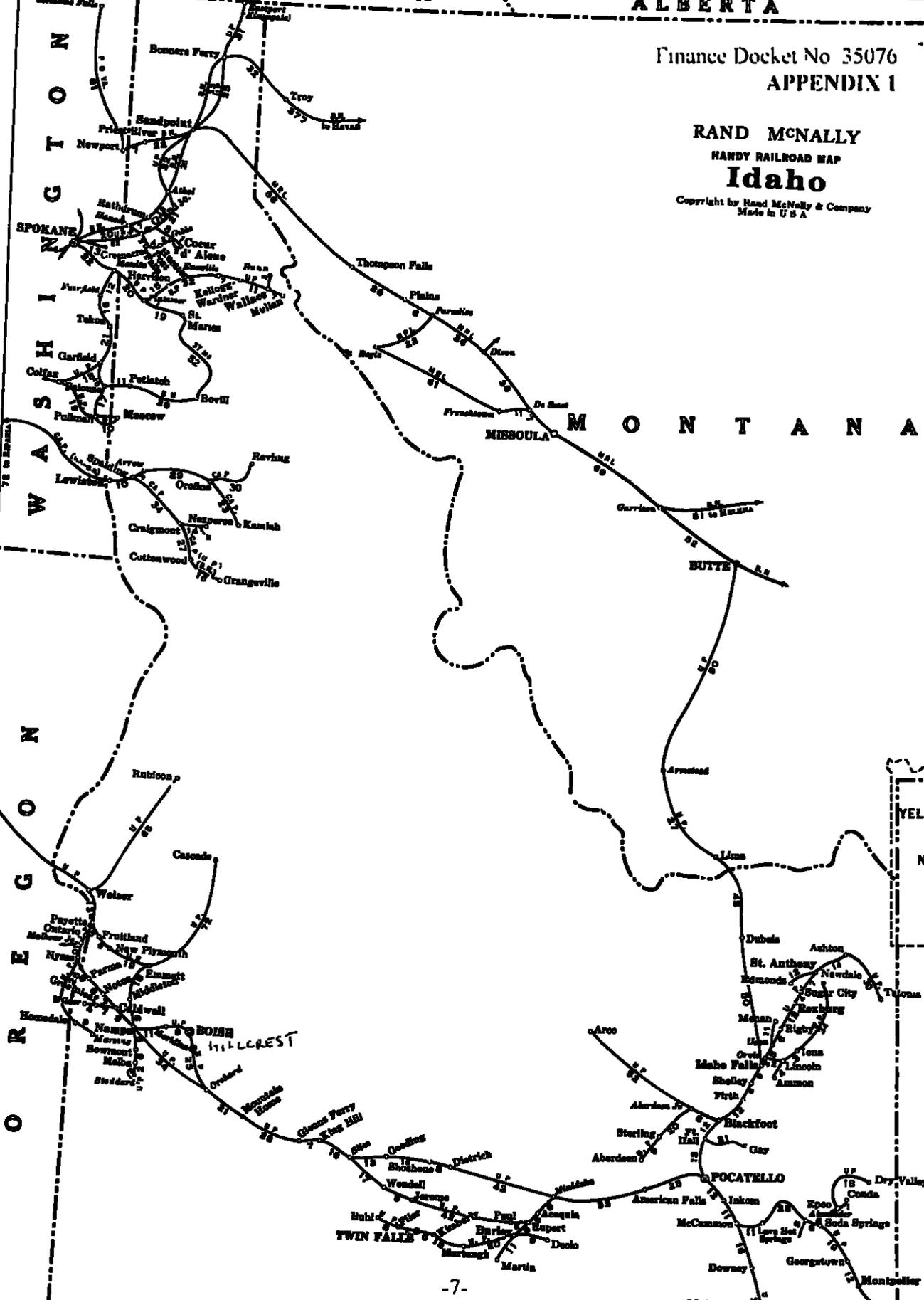
BRITISH COLUMBIA

ALBERTA

Finance Docket No 35076
APPENDIX 1

RAND McNALLY
HANDY RAILROAD MAP
Idaho

Copyright by Rand McNally & Company
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CERTIFICATION

THOMAS F. McFARLAND, on oath, states that City of Boise Railroad's projected revenues do not exceed those that would qualify it as a Class III rail carrier.



Thomas F. McFarland

Thomas F. McFarland

SUBSCRIBED and SWORN
to before me this 24th
day of August, 2007

Kathleen Lenhan

Notary Public

My commission expires 1/29/2010

VERIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

THOMAS F McFARLAND, being duly sworn on oath, deposes and states that he has read the foregoing notice, that he knows the contents thereof, and that the facts therein stated are true and correct



Thomas F McFarland
Thomas F McFarland

SUBSCRIBED and SWORN
to before me this 24th
day of August, 2007

Kathleen Lenhan
Notary Public

My commission expires 1/29/2010

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD
NOTICE OF EXEMPTION

(Finance Docket No 35076)

CITY OF BOISE RAILROAD

-- OPERATION EXEMPTION --

THE BOISE CUTOFF RAIL LINE IN ADA COUNTY ID

City of Boise Railroad (the City), a noncarrier, has filed a notice of exemption to operate a rail line commonly known as the Boise Cutoff more particularly described as a rail line between Milepost 424.80 near Orchard and Milepost 443.0 near Hillcrest, a distance of 18.2 miles in Ada County Idaho.

The transaction was proposed to be consummated not sooner than thirty days after the filing of the notice of exemption.

Any comments must be filed with the Board and must be served on Applicant's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204, (312) 201-9695 fax, mcfarland@aol.com

This notice of exemption is filed under 49 C.F.R. § 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

(S/ A/)

By the Board

CERTIFICATION

Pursuant to 49 C.F.R. § 1150.32(e), the undersigned, on oath, states that the projected revenues of City of Boise Railroad, as a result of operation in this docket will not exceed \$5 million per year.



Thomas F. McFarland

Thomas F. McFarland

SUBSCRIBED and SWORN
to before me this 24th day
of August, 2007

Kathleen Lenhan

Notary Public

My commission expires 1/29/2010